

Notice of Allowability

Application No.

10/782,274

Examiner

Alex P. Rada

Applicant(s)

LINDSEY ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/14/07.
2. ☒ The allowed claim(s) is/are 22-34 and 36-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8-31-07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Response to Amendment

In response to the amendment filed July 14, 2007 wherein applicant amends claims 22, 33, adds new claim 42, cancels claims 1-21, 35 and claims 22-34 and 36-42 are pending in this application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael K. Lindsey Reg. No. 39,278 on August 31, 2007.

The application has been amended as follows:

Please add to page 1, line 2 of the specification after the date August 24, 2002 the following:

--now U.S. Patent No. 7,017,905 --

The change made above was authorized by applicant to update the related application in the specification and place the case in condition for allowance.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art does not disclose nor teach according to claims 22, 33 and 42 an electronic die for randomly selecting an outcome that is a number between one and six comprising: a six-sided, cube-shaped shell defining

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the exterior of the electronic die, each side of the cube-shaped shell representing a predetermined outcome that is distinct from the outcomes represented by the other sides of the cube-shaped shell, the cube-shaped shell being adapted to be rolled by a user to determine the outcome; a first side of the cube-shaped shell representing the number one; a second side representing a number etc., an electronic circuit located within the cube-shaped shell, wherein the electronic circuit including an integrated circuit for illuminating one or more light-emitting diodes, wherein the IC being a COB-mounted to the printed circuit board for miniaturizing the electronic circuit and a light pipe located within the shell and having an end attached to the at least one light source and one or more fingers terminating on the exterior of the shell at one or more of the light-emitting pips, for transferring light from the at least one light source to at least some of the light-emitting pips. The closest prior art of Solow disclose a novelty cube-shaped shell comprising dot plugs that represent the light emitting pips, wherein each side of the cube-shaped shell has a number of dot plugs that is represented of a standard six sided die having a power supply to regulate the emitting lights form different light patterns and Larson discloses an electronic die comprising an integrated circuit located within an electronic die capable of being rolled by a user to determine an outcome having LCD that represent a number to be displayed when the electronic die comes to rest. The combined references fails to disclose the IC being a COB-mounted to the printed circuit board for miniaturizing the electronic circuit and a light pipe located within the shell and having an end attached to the at least one light source and one or more fingers terminating on the exterior of the shell at one or more of the light-emitting pips, for transferring light from the at least one light source to at least some of the light-emitting pips in combination with the rest of the claimed limitations.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E. Pezzuto
Supervisory Patent Examiner
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APR